

### **REMARKS**

The present amendment is in response to the Office Action dated April 21, 2006 where the Examiner has rejected claims 21-23, 25-32 and 34-40, which includes five (5) independent claims 21, 26, 30, 34 and 37. By the present amendment, Applicant cancels the pending claims and adds new claims 41-54 which includes three (3) independent claims 41, 46 and 49. Allowance of the now pending claims is respectfully requested.

#### **A. Rejection of Claims under 35 U.S.C. §102(e)**

The Examiner rejects independent claims 21 and 30 under 35 U.S.C. 102(b) as anticipated by Irvin (US6556819). In response, Applicant cancels these claim sets and adds new claim sets 41-45, 46-48 and 49-54. The independent claims 41, 46, and 49 comprise a two-step comparison/match determination to allowing the placing or receipt of a phone call.

The cited reference of Irvin compares a current physical location with a "safe zone". However, Irvin fails to teach or suggest a second comparison of at least a portion of the received phone number to an authorized geographic characteristic/area code as claimed by Applicant in the three independent claims.

The Examiner asserts in 35 USC 103(a) rejections, that the combination of Irvin, Rahikainen and Schmidt disclose this two step process as claimed by Applicant. Applicant respectfully disagrees as discussed below.

However, because Irvin does not teach or suggest each and every element of the new independent claim, then Irvin does not anticipate the claimed inventions. As such, Applicant respectfully requests that the Examiner withdraw his rejections under 35 USC 102(e).

**B. Rejection of Claims under 35 U.S.C. §103(a)**

The Examiner rejects the prior pending claims under 35 USC 103(a) as being unpatentable over combinations of Irvin, Kaplan (US 5,884,193), Rahikainen (US6,085,080), Schmidt (US), and Agness (US6,799,052). In response, Applicant submits new independent claims 41, 46 and 49 with claims dependent thereupon. In the independent claims, the wireless communication devices have

- a GPS for determining current location
- a memory storing an approved physical location as well as an approved geographic characteristic/area code
- a processor which makes a two part determination of whether a call will be place or received based upon the result of the two part determination.

**Irvin** *does not* teach or suggest the determination of whether an approved geographic characteristic matches an received portion of a phone number (area code). Irvin, among other things, *does not* teach restricting an incoming/outgoing call based upon a two part determination.

**Kaplan** discloses call restrictions to destination phone calls and does disclose the restriction based upon the area code. However, Kaplan *does not* teach or suggest using GPS to determine a current physical location. Also, inter alia, Kaplan *does not* teach a two part determination to restrict an incoming/outgoing call. Thus Kaplan in combination with Irvin fails to teach or suggest the claimed inventions of independent claims 41, 46 and 49.

**Rahikainen** discloses comparisons of incoming/outgoing phone numbers to stored lists. However, the comparison as well as the restriction is completed outside of the phone (see e.g., Fig 1, Fig. 2a and corresponding description). Thus Rahikainen *does not* disclose a first comparison of the phone number to an approved number inside of the phone. Rahikainen *does not* disclose a processor in the phone which restricts or allows an incoming or outgoing call. Rahikainen *does not* disclose a two part determination to restrict an incoming/outgoing call. Rahikainen *does not* disclose

comparing an approved physical location to a current physical location. Rahikainen *does not* disclose the use of GPS. Thus, Rahikainen in combination with Irvin and/or Kaplan fails to teach or suggest the claimed invention of independent claims 41, 46 and 49.

**Schmidt** teaches inhibiting the receipt and/or origination of call by a roaming mobile station, i.e., selectively connecting group phone calls to a roaming mobile station (see abstract). The Examiner asserts that Schmidt teaches a two part decision (citing Col. 7, line 64-col.8, line 9, Figs. 1-5). One part of the Schmidt decision is to match a system ID with cellular home ID to determine if the phone is roaming. This is not the same as matching a current location with an approved location utilizing GPS and an approved location stored in memory as claimed by Applicant in the independent claims. Note that Applicant's "home" location is not automatically an approved location even through the home ID matches the system ID. That is, Applicant's claimed inventions do not consider whether a phone is roaming as a criteria for allowing/restricting. Thus, Schmidt *does not* teach Applicant's two part decision to allow incoming/outgoing phone call's based upon an approved current location as well as an approved geographic characteristic/area code of a received number. Thus, Schmidt does not cure the deficiencies of Irvin, Kaplan and/or Rahikainen.

**Agnes** teaches a feature of not accepting an incoming phone call. However, this decision is made outside of the phone. As discussed in Col. 7 Lines 34-55, Col. 8 line 14-27 in reference to Figure 2a, a control computer resident at a cell base station (not in the phone) performs logical decisions as to whether the phone call is allowed. Thus, similar to Rahikainen, Agnes does not teach a two-part decision by a processor inside of the phone to allowing incoming/outgoing calls based on both pre-stored authorized locations and geographic characteristics (e.g. area codes). Thus, Agness in combination with the cited references does not teach or suggest Applicant's inventions claimed in independent claims 41, 46 and 49.

**C. Conclusion**

Applicant asserts that the claimed inventions of independent claims 41, 46 and 49 are patentable over the cited references since the cited references do not teach, among other things, the specific two step decision to allow incoming/outgoing phone calls. As such, Applicant respectfully requests that the Examiner issue a notice of allowance for the pending claims 41-54.

The fees for an RCE and a two (2) month extension of time is filed herewith by EFS. The Director is authorized to charge any additional fee(s) or any underpayment of fee(s) or credit any overpayment(s) to Deposit Account No. 50-3001 of Kyocera Wireless Corp.

Applicant requests that the Examiner telephone the attorney for Applicant at the telephone number listed below should the Examiner believe that prosecution of this application might be expedited by further discussion of the issues.

Respectfully submitted,

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